



THE CITY OF NEW YORK
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July 16, 2025

BY ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Erica Febrianti v. NYC Health & Hospitals, et al.,
23 Civ. 6175 (JLR)(SDA)

Your Honor:

I am an Assistant Corporation Counsel in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing Defendant City ("City") of New York in the above-referenced matter. The City writes to the Court to respectfully request that the Court treat its motion to dismiss, as unopposed.

By way of background, the City filed a motion to dismiss claims in the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(c) on April 23, 2025 (ECF Nos. 93-94). As reflected on the docket, Defendant's motion papers were served on Plaintiff electronically via ECF, as Plaintiff had consented to electronic service (ECF No. 4). Under Magistrate Judge Aaron's Order dated April 30, 2025 (ECF No. 96), Plaintiff's opposition was originally due on or before May 30, 2025. By Order dated June 6, 2025 (ECF No. 102), the Court extended Plaintiff's deadline to respond to June 27, 2025, and Defendant's reply deadline to July 11, 2025. The Court further advised that "if no opposition is filed by the extended deadline, the Court will consider the pending motion based only on the City's moving papers."

Despite timely service of Defendant's motion papers and the Court's extension of time, as of this writing, Plaintiff has not filed or served an opposition to the motion. In addition to electronic service via ECF, Defendant emailed a copy of the motion papers to Plaintiff at her email address of record. Plaintiff has not requested a further extension of time or otherwise communicated with the Defendant regarding the motion. Because Plaintiff has failed to oppose Defendant City of New York's motion to dismiss, it is respectfully submitted that the Court should treat that motion as unopposed and deem Plaintiff's claims against the City of New York abandoned. *See George v. Cty. of Westchester*, 20 Civ. 1723 (KMK), 2021 U.S. Dist. LEXIS 183336, at *5 (S.D.N.Y. Sep. 24, 2021) (treating defendants' motion to dismiss as fully submitted

where *pro se* plaintiff failed to oppose); *Delaney v. Perez*, 1 Civ. 6084 (NSR), 2021 U.S. Dist. LEXIS 132943, at *1 (S.D.N.Y. July 16, 2021) (treating defendants' motion to dismiss *pro se* plaintiff's complaint as unopposed and granting dismissal); *see also Lipton v. Cty. of Orange*, 315 F. Supp. 2d 434, 446 (S.D.N.Y. 2004) ("This Court may, and generally will, deem a claim abandoned when a plaintiff fails to respond to a defendant's arguments that the claim should be dismissed."); *Anti-Monopoly, Inc. v. Hasbro, Inc.*, 958 F. Supp. 895, 907 n.11 (S.D.N.Y.) ("[T]he failure to provide argument on a point at issue constitutes abandonment of the issue . . . which provides an independent basis for dismissal."), *aff'd*, 130 F.3d 1101 (2d Cir. 1997), cert. denied, 525 U.S. 813 (1998).

The Defendant City thanks the Court for its time and consideration of this request.

Respectfully Submitted,

John McLaughlin /s/

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